REMARKS/ARGUMENTS

In the Office Action, claims 1-16 were pending, claim 17 was withdrawn and claims 1-16 were rejected. In this response, claims 1 and 10 have been amended. No claims have been cancelled. Therefore, claims 1-16 are presented for examination.

Applicants wish to thank the Examiner for the careful examination, and for finding claims 3, 4, and 9 allowable.

Claim rejections under 35 USC §112

Claims 11 and 13 were rejected under 35 USC § 112 as failing to comply with the written description requirement. The Examiner suggest that the "message handler" being part of the MMSC (per claim 11) or part of the third party originator (per claim 13) is not described in the Specification.

Applicants respectfully disagree. The last sentence of paragraph 29 of the Specification notes that "These message handlers may reside on the MMSC, a separate proxy server, a third party originator server, the user's handset, or on some other system. In one embodiment, the message handler may be split among two or more of the above locations." Thus, the message handler may reside in a variety of places, including on the third party originator or the MMSC itself.

The Examiner suggests that since claim 1 notes that the third party originator sends message without the use of the MMSC, it cannot also send it using the message handler which is part of the MMSC. Applicants disagree. The message is <u>sent</u> without the use of the MMSC, however the responses sent by the

recipient may still be handled by the message handler, which is part of the MMSC. There are two functions here, sending a message and handling responses to the message. Claim 1 specifies that the first portion, the sending of the message, occurs without using the MMSC. However, the second portion, handling the responses, can be done by the message handler, which may be part of the MMSC. Therefore, Applicants respectfully request the withdrawal of the rejection under 35 USC §112, first paragraph.

Claim 1 was rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 1, to remote the antecedent basis issue. Therefore, Applicants respectfully request the withdrawal of this rejection.

Claim 10 was objected to for failing to spell out the acronym MMSC. Applicants have amended claim 10 to correct this failing.

Claim rejections under 35 USC §102(b)

Claims 1, 7, 10, 11 and 16 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent 6,246,871 to Ala-Laurila.

Ala-Laurila discusses a standard SMS system, in which subscribers can send messages to recipients. The system of Ala-Laurila provides a voicemail system that allows a network subscribers to provide access to his/her mailbox for the purpose of retrieving messages. The recipient can access the subscriber mailbox, and use a there-stored temporary message to retrieve the message.

However, Ala-Laurila does not discuss the use of "multimedia messages" nor the use of a multi-media message service center (MMSC). Rather, Ala-Laurila discusses the alternative system of SMS. It is well known in the art that SMS is for text messaging, while MMS is for multimedia messaging.

Claim 1, as amended, recites:

> A system comprising:
> a third party originator to send a notification/message of a multimedia message to a recipient without the use of a multi-media messaging service center (MMSC); and
> a message handler to manage a response sent by the recipient to the MMSC.

Applicants respectfully submit that Ala-Laurila does not discuss multimedia messaging service centers (MMSCs) at all, and thus does not teach or suggest "a message handler to manage a response sent by the recipient to the MMSC." The Examiner suggests that the "message database selector" handles responses sent by the recipient to the server. Applicants respectfully disagree. The message database selector of Ala-Laurila is used to retrieve messages. Ala-Laurila notes that "to retrieve messages, the mailbox owner (e.g., the first subscriber) must access the message database selector 32, which may be a control block and/or a processor, by dialing an address code such as a telephone number." (Ala-Laurila, column 3, lines 17-20). The mailbox owner is not the "the recipient" in this system. Rather, the mailbox owner is the one setting up the messages for receipt. Furthermore, the message database selector is usable to provide access to the user's own mailbox. In contrast, the message handler is designed to handle messages being sent to an MMSC, in response to receiving a notification/message from a third party originator. Ala-Laurila does not teach or

suggest such a system because it clearly has no need for it, since there is no third party originator to send a notification/message to a recipient.

Therefore, claim 1, and claims 2-9 which depend on it and incorporate its limitations, is not obvious over Ala-Laurila.

Similarly, claim 10, as amended, recites:

> A system comprising:
> a message handler to ensure that a response directed to multi-media messaging service center (MMSC) in response to a notification/message by a third party originator to a recipient are managed without triggering error messages in the MMSC.

As noted above Ala-Laurila not only fails to teach or suggest a multi-media messaging center (MMSC), but also fails to teach or suggest "a response directed to an MMSC in response to a notification/message by a third party originator." Therefore, claim 10, and claims 11-16 which depend on it, are not anticipated by Ala-Laurila.

Claim rejections under 35 USC §103(a)

Claims 2 and 12 were rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of U.S. Publication 2004/0123144 to Chan, et al. (hereinafter "Chan").

Chan discusses server-side forms based single sign-on modules. Chan's system does discuss multi-media messaging, or multi-media messaging service center (MMSC) systems at all.

The Examiner suggests that Chan teaches a "proxy server to redirect responses sent by the recipient to an MMSC" and points to paragraph 62 of Chan.

Paragraph 62 of Chan does discuss proxy servers, but <u>only in the context of redirection from a sign-on process</u>.

As noted above with respect to claims 1 and 10, Ala-Laurila does not teach or suggest "a response directed to an MMSC in response to a notification/message by a third party originator." Since Chan does not discuss MMSC functionality at all, clearly Chan does not remedy this shortcoming of Ala-Laurila. Therefore, Applicants respectfully submit that claims 2 and 12 are not obvious over the combination of Ala-Laurila and Chan.
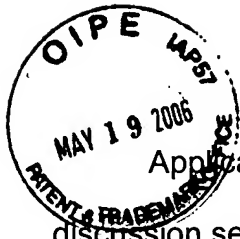
Claims 5 and 6 were rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of U.S. Patent 6,393,407 to Middleton, III, et al. (hereinafter "Middleton"). Middleton discusses tracking user interactions with advertising. Middleton does not discuss multi-media messaging, or multi-media messaging service center (MMSC) systems at all. The Examiner suggests that Middleton teaches a "dummy message inserter." Applicants respectfully disagree. Middleton discusses sending a "dummy" HTTP GET message to send an activity log to a server. The dummy message of Middleton is designed to enable a standard web browser to provide the activity log feedback. This is fundamentally different from <u>inserting a message into the MMSC</u>, to create the "pretense" of a message having been originated by the MMSC. Although the two concepts share the term "dummy" there is nothing in common otherwise.

Clearly, Middleton does not mention the use of MMSCs at all. Therefore, Applicants respectfully submit that Middleton does not remedy the shortcomings of Ala-Laurila discussed above. Neither of the references teaches or suggests having "a response directed to an MMSC in response to a notification/message by

a third party originator." Therefore, claims 5 and 6 are not obvious over the combination of Ala-Laurila and Middleton.

Claim 15 was rejected under 35 USC §103(a) as being unpatentable over Ala-Laurila in view of U.S. Publication 2002/0169687 to Perkowski. Perkowski discusses a method of providing product-related information over the Internet to users based on universal product number (UPC) data. However, Perkowski does not discuss the use of multi-media messaging or MMSCs at all. The Examiner suggests that Perkowski discusses the use of a dummy message inserter. However, the referenced portion of Perkowski discusses a "confirmation receipt" sent to the manufacturer by the WebDox Server 30. This is fundamentally different from <u>inserting a message into the MMSC</u>, to create the "pretense" of a message having been originated by the MMSC. In fact, a "confirmation" inherently requires that the manufacturer be aware that the original message was sent (otherwise, what is being confirmed?) Therefore, the dummy message inserter cannot be considered equivalent to the WebDox Server returning a confirmation of receipt.

Clearly, Perkowski does not mention the use of MMSCs at all. Therefore, Applicants respectfully submit that Perkowski does not remedy the shortcomings of Ala-Laurila discussed above. Neither of the references teaches or suggests having "a response directed to an MMSC in response to a notification/message by a third party originator." Therefore, claim 15 is not obvious over the combination of Ala-Laurila and Perkowski.

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome.
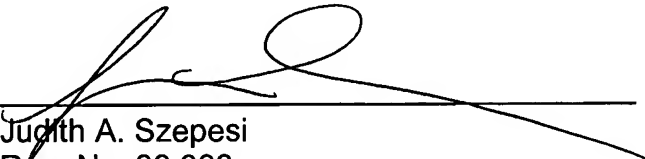
Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

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